

Call to Order:

The meeting was called to order at 7:40 p.m. Present were Chair, Joan Duff, and members Linn Anderson, Jay Doherty, and John McDonnell (arrived 7:50 p.m.) and associate member Eric Macaux; also present was Jacki Byerley, Planner.

Minutes:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the executive session minutes for September 27, 2011. **Vote:** Unanimous (4-0)

Ms. Anderson gave an overview of the training session from The Citizen Planner Training Collaborative “Making Defensible Decisions” for municipal boards. Ms. Anderson noted that she would share the information with the Board and staff.

Dascomb Road Rezoning:

The Board took up a discussion on a potential overlay district on Dascomb Rd. Attorney Mark Johnson representing a developer gave an overview of a matrix that shows the existing uses now allowed in the ID District. He also reviewed the proposed uses that would be allowed in a new overlay district and the uses changed from a special permit by Zoning Board of Appeals to special permit by Planning Board. Ms. Anderson questioned how they determined the type of uses in the overlay district. Attorney Johnson noted they determined by what made sense in that area and what types of businesses the Board wants to attract to the area. Ms. Byerley noted that it's not just the table of uses that would change the whole zoning bylaw would have to be looked at to make sure there are no conflicts. Ms. Anderson noted that the Board would have to carefully document the Board's decisions if the changes were to apply to all ID Districts.

Pine Forest Park:

The Board opened the public hearings that were continued from the Oct 12th meeting on an application by Angelo Petrosino for a proposed 11-lot Definitive Subdivision and a Special Permit for Earth Movement entitled Pine Forest Park located off Flash Road, North Reading, MA, Assessors' Map 104 Lot 3.

Joan Duff, Chair, reviewed the items that will be discussed at tonight's meeting listed in Ms. Byerley memo to the Board dated October 24, 2011.

Luke Roy of O'Neil Associates, representing the applicant, reviewed a letter to the Board dated October 19, 2011 outlining the items to be discussed including the applicant's responses to those items, including a report and pictures of commercial fire protection systems from Lewis Engineering, PLLC.

Mr. Roy noted that they have submitted correspondence to North Reading for an inter-municipal agreement, which is enclosed in his letter to the Board, dated Oct. 19, 2011 and noted they have not received a response.

Mr. Roy noted that there have been changes to the NFPA code and Dominic Ciolino of AHA Consulting Engineers, Inc. will be submitting a letter confirming what code changes have taken place and which would impact the fire protection systems for the development.

Pine Forest Park (cont.):

Mr. Roy stated that he has spoken to Wilmington /North Reading regarding the transportation of students when Burroughs Road is flooded. He noted that during flooding situations, Wilmington transports their students in minivans and uses the emergency access off Route 125. Mr. Roy noted that if North Reading closes Burroughs Road prior to the start of school the parents are notified that there will be no transportation and if it's during the school day parents are notified and the students are bused to the Stop and Shop plaza.

Mr. Roy gave the Board an update of the North Reading public hearing for the modifications to Flash Rd. and noted the hearing was continued to Nov. 15th to address comments by the Board.

Ms. Byerley reviewed her memo to the Board dated Oct. 24, 2011, including a letter from the Andover Public Schools dated Oct. 21, 2011 outlining their issues regarding busing. Mr.

Macaux asked if the school addressed the cost issues associated with a new subdivision. Ms.

Anderson questioned if the Andover School buses travel on private ways and if it's legal to have the HOA provide for busing of the students. Ms. Byerley noted that the school buses do not travel on private ways and she would check with town counsel if it's legal to have HOA provide busing for students.

Mr. McDonnell questioned if the applicant found a Massachusetts company that has dealt with cisterns. Angelo Petrosino, the applicant noted there are only a few people who install and maintain cisterns in Massachusetts.

Ms. Duff noted that the cisterns are new for Andover and the Board needs more information and requested that someone who installs and maintains cisterns give a presentation to the Board. Mr. Macaux asked what the difference was between a commercial and residential cistern. Mr. Roy noted that some of the components will be different but it is similar. Mr. Doherty noted that a fire protections system was fine for commercial but questioned how it would service a residential subdivision.

Ms. Byerley continued to review her memo to the Board dated Oct. 24, 2011 including a packet given to the Board with information that the Town of North Reading is requiring from the applicant for their public hearing.

Ms. Heidi Griffin, CPC Administrator for the Town of North Reading, asked if she could contact Andover's town counsel with questions regarding the HOA and noted the North Reading DPW does not want to maintain the retaining wall. Ms Griffin gave an overview of what the North Reading Planning Board wants, which includes widening of the roadway, and updated plans rather than a 2008 plan. Ms. Griffin asked if the Andover Planning Board requires a fiscal impact study for subdivision over 6 lots. Mr. McDonnell asked if the applicant could eliminate the retaining walls. Mr. Roy reviewed the grade differences and noted they can eliminate the retaining wall with the provision they don't work outside the road layout.

The Board discussed the following in detail the design and grade of the roadway, granite curbing and easement. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings on an application by Angelo Petrosino for a proposed 11-lot Definitive Subdivision and a Special Permit for Earth Movement entitled Pine Forest Park located off Flash Road, North Reading, MA, Assessors' Map 104 Lot 3 to December 13, 2011 at 8:00 pm. **Vote:** Unanimous (5-0)

15 Elm Street:

The Board opened the public hearing for a modification of a Special Permit for a Major Non-Residential project. The modification of the special permit would allow for a 2,273 gross s.f. building located at 15 Elm Street. Attorney Mark Johnson, representing the applicant, reviewed the modification request. He stated that the Preservation Commission voted on October 11, 2011 to approve the plan presented and noted they went to the DRB and they are also happy with the plan. Peter Darlow of Allen Major Engineering gave an overview of the damage to the building which was not salvageable. He also reviewed the fire access, the building material and noted parking spaces comply with current zoning requirements. Mr. Darlow also reviewed the letter from the Design Review Board dated Oct. 13, 2011 approving the new design. Ms. Byerley reviewed her memo to the Board dated Oct. 24, 2011 which included comments from the IDR conducted on Oct. 18, 2011 and changes to condition # 23 regarding the lighting.

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to close the public hearing on an application by Century Bank and Trust Company for a modification of a Special Permit SP11-01, for a modification of a Special Permit for a Major Non-Residential project for property located at 15 Elm Street. **Vote:** Unanimous (4-0)

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to find that the modification meets the criteria of Section 9.4.2 of the Zoning By-laws and vote affirmatively to approve the modification subject to the 24 conditions of SP11-01, revised as written in Ms. Byerley's memo to the Board dated October 24, 2011 with the following changes:

On the last sentence of condition # 24 shall read:

The applicant may post a sign by the gates that it is for Bank employees and customers only and post notice advising the public of liability limitations;

and further condition # 23 shall be changed to read:

Overnight lighting is limited to the walk-up ATM (L4), the two front signs (L1), the sconce at the drive-up ATM (three L3s) one light at the front entrance (L3) and rear entrance (L3) and the rear parking lot light throughout the night as shown on Proposed Landscaping & Lighting Plan, Sheet C-3, prepared by Allen & Major Associates, Inc. last revised October 19, 2011, all lighting shown on said plan shall be extinguished by 10:00 PM, the following applies only to exterior lighting. **Vote:** Unanimous (4-0)

34 Essex Street:

The Board opened the public hearings that were continued from the Oct. 12th meeting on an application by Dalton & Finegold, LLP for a Special Permit for a Major Non-Residential Project (to increase the gross floor area of an existing building by more than 2,000 s.f.) and a Special permit for a change in Parking Space Requirements (use of remote/satellite parking areas.) located at 34 Essex Street. Mr. Doherty recused himself from the hearings and left the room. William MacLeod, of Andover Consultants, Inc., representing the applicant noted that all the issues from the last meeting have been resolved and revised plans have been submitted. Ms. Byerley reviewed her memo to the Board dated October 18, 2011. Ms. Anderson asked about the letter from the Design Review Board (DRB) dated October 24, 2011. Mr. MacLeod reviewed the DRB letter and noted they seem to be architectural issues. Karen Herman, Chair of the Historic Preservation Commission, noted she has not seen the DRB's letter but would like to see the stone

34 Essex Street (cont.):

work extended. Mr. MacLeod noted that the applicant could extend the stone work across the west-face gable. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to close the public hearings on an application by Dalton & Finegold, LLP for a Special Permit for a Major Non-Residential Project (to increase the gross floor area of an existing building by more than 2,000 s.f.) and a Special permit for a change in Parking Space Requirements (use of remote/satellite parking areas.) both for the property located at 34 Essex Street.

Vote: Unanimous (4-0);

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board found that in both cases the proposal met the criteria of Section 9.4.2 of the Zoning By-laws. Ms. Anderson further moved that the Board vote affirmatively to approve the request of Dalton & Finegold, LLP for a Special Permit for Major Non-Residential Project (to increase the gross floor area of an existing building by more than 2,000 s.f.) and a Special permit for change in Parking Space Requirements (use of remote/satellite parking areas.), both for the property located at 34 Essex Street, subject to the 23 conditions written in Ms. Byerley's memo to the Board dated October 18, 2011; also subject to the 3 items outlined in a letter dated October 17, 2011 from the Historic Preservation Commission (HPC) to the Board dated and further subject to the 3 items outlined in a letter dated Oct. 24, 2011 from the DRB to the Joan Duff, Chair of the Planning Board.

Vote: Unanimous (4-0);

Dascomb Road:

The Board took up the discussion on the proposed re-zoning of Dascomb Rd. that was continued from tonight's meeting. Ken Cram of VHB gave an overview of the existing traffic patterns at the I-93 interchange and the DOT study for signalization. He also reviewed the 60' right-of-way (ROW) in Dascomb Rd and the 100' ROW to the interchange. Mr. Macaux asked if there would be any roadway improvements under the bridge. Mr. Cram reviewed the roadway configuration, traffic patterns, traffic circulations and the existing problems with the ramp. Mr. Cram also gave a brief overview of the PWED for signalization in 2014. Ms. Byerley asked if the roadway would need to be widened to allow manufacturing, retail and residential development. Mr. Cram noted they have not done a study for that however signalization is needed without any roadway improvement. The Board discussed the traffic, roadway improvement, and signalization. Ms. Byerley asked the Board if there was any information they want VHB to submit. Attorney Johnson stated he was hoping to move forward with a workshop with two Board members to discuss the proposed re-zoning and come back to the Board with the results of the workshops. Ms Anderson suggested the applicant provide the Board with a schedule/timeframe. Attorney Johnson noted he would put together information on an overlay district and a zoning change for the Board's next discussion. Mr. McDonnell noted that he has walked the site and the Board should be looking at what is the best use to utilize build out in an efficient manner.

Chestnut Street:

The Board took up the discussion on the proposed re-zoning of Chestnut Street. Attorney Mark Johnson, representing Bill Doherty on Chestnut Street, reviewed the zoning between Main Street, down Chestnut Street and ending at St. Augustine's school. He also reviewed abutter uses and noted he sent letters to everyone living on Chestnut Street. Chris Doherty, of 57

Chestnut Street, noted his property has 4 residential units, and reviewed the uses of his abutting neighbors.

Chestnut Street (cont.):

Attorney Johnson noted they want to extend the GB district down Chestnut Street. Mr. Macuax asked if any types of uses are not allowed in the GB District. Attorney Johnson noted that any use in the GB district has to go to the DRB, the HPC and the Planning Board. Joan Duff, Planning Board Chair, noted that this is only a discussion and that the Board is looking for input from the residents in attendance. Ms. Byerley noted that anything in that exists today will be rendered non-conforming if there is a change in zoning. Fred Callanen, of 9 Chestnut Street, questioned if there was a zoning change what impact it would have on their taxes. Attorney Johnson noted that until there is a change of use there would not be a change in tax assessment. Ms. Anderson questioned if there was a zoning change would any properties become non-conforming. She also noted that it is a small area and she would be opened minded to a zoning change if the Chestnut Street residents wanted it. Mr. Bailey of 2 Chestnut Street, owner of the Rose Cottage, is not in favor of a zoning change, he gave an overview of the history of the Rose Cottage which has won 2 historic awards. He also reviewed the surrounding uses and noted with the school buses the streets cannot hold any more traffic. Karen Herman, Chair of the HPC, noted that Central Street is in the National Historic district which is the most important historic district in town and feels the street is a great transitional area. William Doherty of Chestnut Street noted that he and his wife proposed a zoning change in this area to the Board last year and a task force was suppose to be created to study a zoning change. He stated that he tried to sell his property but interested people wanted the property to be commercial. Mr. Doherty of 7 Chestnut Street questioned if there is something the Board is looking for as a whole, and noted there is plenty of off street parking on his property. Ms. Byerley reviewed a work plan/map of proposed zoning changes/transitional district that staff reviewed with the Board last year, and noted that no task force was ever formed.. Ms. Anderson suggested the Board members individually visit the site and asked that any input from the residents regarding their concerns and what type of uses they would like should be given to the Planning Staff prior to the December 13, 2011 discussion. Attorney Johnson noted he would look at types of uses other than GB. Karen Herman noted that if a task force is formed there should be guidelines that would protect and maintain the character of the neighborhood.

Adjournment: The meeting was adjourned 10:20 p.m.